

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

DARLON MCDONALD)

Case No. 1:25-MJ-170 (PJE)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/23/2022 & 11/8/2022 in the county of Schenectady in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. 611

Offense Description
Voting by Aliens

This criminal complaint is based on these facts:

[Click here to enter text.](#)☒ Continued on the attached sheet.

MARK W CECILIONE

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CECILIONE

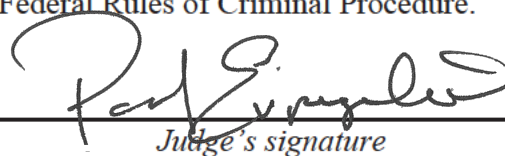
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Complainant's signature

HSI S/A Mark Cecilione

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: June 6, 2025

*Judge's signature*City and State: Albany, New York

Hon. Paul J. Evangelista, U.S. Magistrate Judge

Printed name and title

U.S. DISTRICT COURT – N.D. OF N.Y.

FILED

Jun 06 - 2025

John M. Domurad, Clerk

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Mark Cecilione, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI). I am an “investigative or law enforcement officer” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. During my tenure with HSI, I have reviewed voter records, voter applications, performed database research and conducted interviews of individuals who have registered to vote in the State of New York, who are not citizens of the United States, and have no legal right to vote in state and federal elections.

3. This affidavit is founded on my personal knowledge based on my participation in this investigation, including the review of reports by myself and/or other law enforcement agents to include the Federal Bureau of Investigation, communication with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts known to me regarding this investigation.

4. I submit this affidavit in support of a criminal complaint charging Darlon MCDONALD with violating Title 18, United States Code, Section 611 (Voting by Aliens).

5. In pertinent part, 18 U.S.C. § 611 provides: “It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of

Representatives, Delegate from the District of Columbia, or Resident Commissioner.”

PROBABLE CAUSE

Background and Immigration History

6. MCDONALD is a 50-year-old citizen of Jamaica; he is not United States citizen. For the past several years, MCDONALD has resided in Schenectady, New York.

7. MCDONALD first entered the United States on a K-1 immigrant visa (fiancé of a U.S. citizen) on or about May 8, 2016. On April 26, 2017, MCDONALD adjusted his status to a Conditional Resident (CR1), and as a result received a I-551 Lawful Permanent Residence (LPR) card. On or about November 18, 2019, MCDONALD’s CR1 status was terminated by U.S. Citizenship and Immigration Services, and on March 4, 2021, an Immigration Judge ordered MCDONALD removed in absentia.

8. Following the Immigration Judge’s ruling, MCDONALD was placed on an order of supervision and directed to periodically report to ICE Albany pending his removal from the United States. MCDONALD reported to ICE Albany as instructed. More recently, ICE Albany instructed MCDONALD to apply for and provide a travel document to Jamaica. Although evidence showed he applied for a travel document, MCDONALD failed to provide a travel document to ICE Albany. On May 28, 2025, MCDONALD’s order of supervision was revoked and he was detained pending removal.

The 2022 Federal Primary Election and the 2022 General Election Held in Schenectady County

9. According to records provided by both the Schenectady County Board of Elections and the New York State Board of Elections, the following primary and general elections included federal candidates:

- a. (i) the federal primary election held on August 23, 2022, included a candidate for the U.S. House of Representatives; and

- b. (ii) the general election held on November 8, 2022, included candidates for the U.S. Senate and U.S. House of Representatives.

Records Relating MCDONALD's Voter Registration and Voting

10. A review of MCDONALD's New York State Department of Motor Vehicles (DMV) Voter Registration Application reveals that on or about October 29, 2020, MCDONALD answered "YES" to the question "Are you a citizen of the U.S.?" DMV records also reveal that on or about October 29, 2020, MCDONALD signed an affidavit affirming, "I am a citizen of the United States."

11. A review of MCDONALD's voting records from the Schenectady County and New York State Boards of Elections reveal that MCDONALD voted in, among other elections, the federal primary election held on August 23, 2022, and the general election held on November 8, 2022.

Interview of MCDONALD

12. On May 28, 2025, I interviewed MCDONALD about his voting history. MCDONALD stated, among other things, that (i) he registered to vote through the Department of Motor Vehicles; (ii) to vote in the United States you must be a U.S. Citizen; (iii) he voted in a primary election but could not recall which one; (iv) he did not vote in any other elections, but attempted to vote in the last general election and was denied; (v) the signature on his New York State Department of Motor Vehicles Voter Registration Application is his, but he did not remember signing the form; and (vi) he never told the DMV he was a U.S. Citizen. At first, MCDONALD said that he did not remember whether he answered "YES" to the U.S. citizenship question on the Voter Registration Application, but later stated that he may have said he was a U.S. citizen.

CONCLUSION

13. Based on the foregoing, your affiant respectfully submits that there is probable cause to conclude that defendant, Darlon MCDONALD, violated Title 18, United States Code, Section 611.

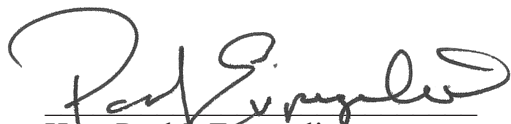
Attested to by the affiant,

MARK W
CECILIONE

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Mark Cecilione, Special Agent
Homeland Security Investigations

I, the Honorable Paul J. Evangelista, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on June 6th, 2025, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure:



Hon. Paul J. Evangelista
United States Magistrate Judge